

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 14, 2005. At the time of the Office Action, Claims 1-17 were pending in this Application. Claims 1-17 were rejected. Claims 1, 4 and 8 have been amended to overcome the deficiencies mentioned in the Office Action. Applicant respectfully requests reconsideration and favorable action in this case.

#### **Claim Objections**

Claim 8 was objected to due to informalities, specifically, in Claim 8, Line 2, "the choke" should be changed to "the choke coil". Applicant amends Claim 8 accordingly to overcome this objection.

#### **Rejections under 35 U.S.C. § 112**

Claims 4-11 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 4 has been respectively amended.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-3 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,104,561 issued to Iwata ("Iwata"). Applicant respectfully traverses and submits the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as

anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Independent claim 1 requires an alternating voltage source, an oscillating circuit and a choke coil arranged between the alternating voltage source and the oscillating circuit. The Examiner stated that Iwata discloses an oscillating circuit with element 17, 34. Applicant respectfully disagrees. Element 17 is designated as a magnetron tube which per se cannot establish a circuit but could be and actually is used within a circuit. However, to further prosecution, Applicant amended Claim 1 to define the oscillating circuit as used in the different embodiments of the application and as known to a person skilled in the art, namely as comprising a capacitance and an inductance coupled in parallel. Iwata does not comprise such an oscillating circuit because Iwata is directed to a magnetron operating circuit.

With respect to claims 2 and 3, Iwata does not comprise a terminal that can be switched over between two voltages because Iwata does not provide for two voltages. Iwata merely comprises an alternating voltage source (not shown) which is coupled to connector 10. The only element capable of switching is switch 14 which is merely an on/off switch and not capable of switching a terminal between two voltages.

### **Rejections under 35 U.S.C. §103**

Claims 4-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata. Applicant respectfully traverses and submits the cited art does not render the claimed embodiment of the invention obvious.

Applicant respectfully submits that the dependent Claims are allowable at least to the extent of the independent Claim 1 to which they refer, respectively. Thus, Applicant respectfully requests reconsideration and allowance of the dependent Claims. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and does not concede that the Examiner's proposed combinations are proper.

ATTORNEY DOCKET  
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PATENT APPLICATION  
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**Change of Correspondence Address**

Applicant respectfully requests that all papers pertaining to the above-captioned patent application be directed to Customer No. **31625** and all telephone calls should be directed to Andreas Grubert at 512.322.2545.

**CONCLUSION**

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the claims as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicant



Andreas Grubert  
Limited Recognition No. L0225  
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Date: January 13, 2006

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